

Additionally, however, Applicant is claiming much more than “polymerized sheathing.”

Applicant is claiming “removable and replaceable polymerized sheathing,” which the Ulmer reference clearly does not meet. According to Ulmer at Col. 3, lines 12-18:

“By combining a plastic coating in combination with the galvanized tubing in accordance with the present invention, in the event the plastic chips off a component part, there still is the galvanized coating underneath and so rust is essentially nonexistent in utilizing the component parts of the present invention.”

The use of the word “chip” makes it clear that Ulmer does not satisfy the limitation of removable and replaceable polymerized sheathing. Nor would a coat of plastic have a “diameter” according to Applicant’s claims. A coating certainly could not have a diameter “equal to or greater than the outer diameter of each [rail].”

Nor would it be obvious to use the connectors of Savino in the construction of Ulmer. Ulmer intentionally uses specialized rivets to facilitate maintenance and repair:

“In addition, due to the modular construction, and the ease with which the component parts may be disassembled as a result of the use of a specialized rivet, any damage to a side portion of the shopping cart corral permits repair of the corral by the replacement only of the damaged modular component or components, rather than a whole side section, as in the prior art constructions.” (Ulmer; 3:18-25)

If a proposed combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious. *In re Ratti*, 270 F.2d 810, 123 USPQ 349 (CCPA 1959). If a proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification. *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984)

Based upon the foregoing, Applicant believes this application is in condition for allowance. Questions regarding this application may be directed to the undersigned attorney at the telephone or facsimile numbers provided.

Dated: September 25, 2008

Respectfully submitted,

By  \_\_\_\_\_

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